

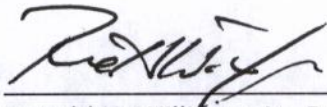


To the Honorable Council
City of Norfolk, Virginia

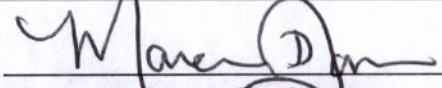
August 25, 2015

From: David Ricks, Director of Public Works

Subject: Encroach into Willoughby Bay Avenue at 9605 6th View Street, with a pier, timber and rip rap bulkhead, and a flagpole.

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: 
Marcus D. Jones, City Manager

Item Number:
R-13

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Charles R. Weil and Leigh S. McCue-Weil
9605 6th Bay Street
Norfolk, Virginia 23503

III. **Description:**
This agenda item is an encroachment permitting Charles R. Weil and Leigh S. McCue-Weil to encroach into Willoughby Bay Avenue at 9605 6th View Street, with a pier, timber and rip rap bulkhead, and a flagpole.

IV. **Analysis:**
The encroachment in this location will allow Charles R. Weil and Leigh S. McCue-Weil to upgrade and renovate an existing pier and deck.

V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$300,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. **Environmental**
N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.


IX. Coordination/Outreach

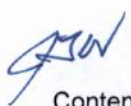
This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

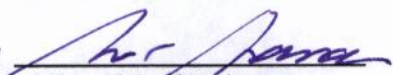
Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

8/4/2015

Form and Correctness Approved: 

 Contents Approved:

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING CHARLES R. WEIL AND LEIGH S. MCCUE-WEIL TO ENCROACH INTO WILLOUGHBY BAY AVENUE AT 9605 6TH VIEW STREET, WITH A PIER, TIMBER AND RIP RAP BULKHEAD, AND A FLAGPOLE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Charles R. Weil and Leigh S. Mccue-Weil, and their successors and assigns, the owners of certain property located at 9605 6th View Street, to encroach into Willoughby Bay Avenue, with a pier, timber and rip rap bulkhead, and a flagpole, as shown on the physical survey attached hereto as Exhibit A, subject to and contingent upon the following conditions:

- (1) Walkways and stairs on City land or public right-of way are to remain open to the public. Signage shall not be erected that indicates that the structure is private. Signage or gates may only be installed on adjacent private property in conformity with applicable City codes.
- (2) No modification or expansion of the structure is permitted without authorization by City Council. Should the structure be damaged or destroyed by a storm event, the grantee may be permitted to repair and/or rebuild the structure subject to conformity to current building codes and according to the attached plans.
- (3) For encroachments involving stairs from the sand dune to the beach, the grantee shall undertake yearly revegetation of the sand dune's bayward slope with American Beach grass (Hatteras or Bogue variety) for a distance no less than 30 feet, east and west of the

structure. The specifications and timing of the planting shall be as prescribed by the City's Environmental Services Bureau. No sand fencing or placing of other material, such as Christmas trees or branches, is permitted on the beach or in the sand dunes without permission from the Environmental Services Bureau.

- (4) Following construction of any walkway or stairway across the sand dunes, the grantee is responsible for revegetating and maintaining the dune adjacent to the structure with appropriate dune grasses. Information on appropriate planting requirements shall be as prescribed by Environmental Services Bureau.
- (5) The structure shall be maintained according to the attached plans and in conformity with the building code. Should a storm event damage the structure, the grantee shall immediately following the event erect a physical barrier, such as three 2"x 4" cross boards to prevent access to the damaged structure until such time as permission is granted to repair or replace the damaged structure.
- (6) Unless specifically authorized by City Council, encroachment permission for walkways and stairways crossing the sand dunes are limited to providing access to and from the beach. These structures may not be retrofitted for other recreational purposes and no chairs, tables, benches, swings, hammocks, grills, fire pits, chimineas, watercraft, flagpoles, or other items may be placed on or attached to the subject structure.
- (7) Should migrating sand cover the structure, the Grantee shall notify the City's Environmental Services Bureau prior to undertaking any excavation of the sand. The Bureau can advise the Grantee if the needed maintenance will require a sand dune permit from the Norfolk Wetlands Board.

- (8) This permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Charles R. Weil and Leigh S. Mccue-Weil, or their successors and assigns, shall immediately remove the encroaching structures.
- (9) Upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (10) Charles R. Weil and Leigh S. Mccue-Weil, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring them and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Charles R. Weil and Leigh S. Mccue-Weil, and their successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Risk Manager, Department of Finance, of the City of Norfolk.

Section 2:- That the failure of Charles R. Weil and Leigh S. Mccue-Weil, or their successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

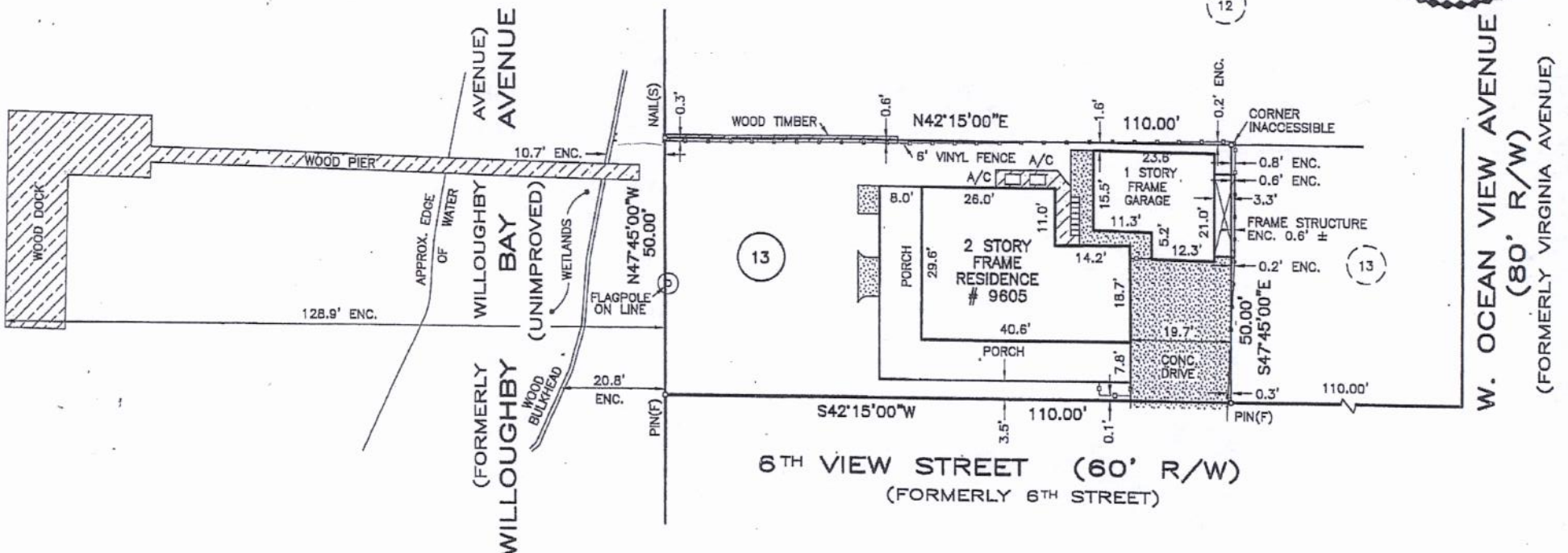
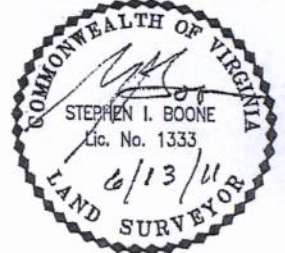
Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Charles R. Weil and Leigh S. Mccue-Weil, and their successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

THIS IS TO CERTIFY THAT ON JUNE 9, 2011, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "AE"
 FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
 MAP REVISION: SEPTEMBER 2, 2009 PANEL NO. 0020F

THIS SURVEY PERFORMED WITHOUT
 THE BENEFIT OF A TITLE REPORT.



PHYSICAL SURVEY

OF
 9605 6TH VIEW STREET, NORFOLK, VIRGINIA
 A PORTION OF LOT 13, BLOCK 15
 CORRECTED MAP OF
WILLOUGHBY BEACH
 M.B. 5, PGS. 80 & 81 (CHESAPEAKE)
 FOR: CHARLES R. WEIL & LEIGH S. McCUE-WEIL

STEPHEN I. BOONE & ASSOCIATES, P.C.
 LAND SURVEYORS
 PORTSMOUTH, VIRGINIA
 SCALE: 1" = 20' DATE: JUNE 13, 2011